

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing treatment of net proceeds from real property sales as subject to Public Utilities Code Section 790 and for establishment of memorandum accounts to record net sales proceeds.

Application 03-12-008
(Filed December 4, 2003)

In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing replacement of the operations center and customer center in the Chico District and treatment of their net sale proceeds as subject to Public Utilities Code Section 790.

Application 04-08-017
(Filed August 17, 2004)

ORDER EXTENDING STATUTORY DEADLINE

Pub. Util. Code § 1701.5(a) provides for ratesetting proceedings to be resolved within 18 months of the date a scoping memo is issued unless the Commission makes a written determination that the deadline cannot be met, including findings as to the reason, and issues an order extending the deadline. No single order may extend the deadline for more than 60 days. We extend the deadline here for the reasons stated below.

A scoping memo in this proceeding was issued on March 4, 2004. Hence, the 18-month deadline for resolving this matter was September 4, 2005. On August 25, 2005 a 60-day extension of time to November 4, 2005 was granted

pursuant to Decision 05-08-031 so that the Administrative Law Judge (ALJ) and Commission could consider all testimony and briefs from the Office of Ratepayer Advocates (ORA). The ALJ has now considered ORA's testimony and briefs and is prepared to issue a draft decision on this matter. However, the November 4, 2005 deadline to close this proceeding will not enable the assigned ALJ to issue a draft decision for review and comment by the interested parties.

We herein extend the statutory deadline of this proceeding an additional 60 days to enable an ALJ draft decision to be issued and interested parties to comment on that draft decision prior to the issuance of a final decision.

Waiver of Comment Period

Due to the § 1701.5(a) statutory deadline, there is a need to act on this matter immediately. Accordingly, pursuant to Rule 77.7(f)(10) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Susan P. Kennedy is the Assigned Commissioner and Michael J. Galvin is the assigned ALJ in this proceeding.

Findings of Fact

1. This proceeding was initiated on December 4, 2003, and a Scoping Memo was issued on March 4, 2004.
2. This proceeding was extended 60 days beyond the 18-month statutory deadline to consider all testimony and briefs from ORA.
3. Absent an additional 60 day extension, the ALJ will not be able to issue a draft decision for review and comment by the interested parties.

Conclusions of Law

1. The 18-month statutory deadline imposed by Pub. Util. Code § 1701.5(a) extended to November 4, 2005 should be extended an additional 60 days so that

interested parties may have an opportunity to review and comment on an assigned ALJ's draft decision.

2. Public review and comment regarding this order should be waived pursuant to Rule 77.7(f) (10) of the Commission's Rules of Practice and Procedure, and this order should be made effective immediately.

IT IS ORDERED that public review and comment regarding today's decision is waived, and that the statutory deadline of September 4, 2005 in this proceeding extended to November 4, 2005 pursuant to Decision 05-08-031 is extended an additional 60 days to January 3, 2006.

This order is effective today.

Dated _____, at San Francisco, California.